

LICENSURE OF YOUTH CARE 37.97.502
FACILITIES
Subchapter 5
Youth Group Homes

37.97.501 YOUTH GROUP HOME: ADMINISTRATION (1) The youth group home shall be a nonprofit or for profit corporation registered under the laws of Montana or under direct administration of a unit of state, local or tribal government.

(2) The provider shall have established sound plans and policies of organization and administration clearly defining legal responsibility, administrative authority and responsibility for services to the residents and community.

(3) The provider shall have written policies for personnel, admission, discharge, program and financial records. These policies shall be furnished to the department with the initial license application and annually thereafter.

(4) Staff of the youth group home shall receive training from the provider on the provider's policies and current status of residents.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663.)

37.97.502 YOUTH GROUP HOME: PROGRAM REQUIREMENTS (1) The program of all youth group homes shall include the following:

(a) Care and guidance:

(i) provision of three regular, well-balanced meals per day, maintenance of home, and clothing, and supervision of child's health and dental care;

(ii) personal care, supervision, and attention appropriate to age;

(iii) provision of opportunities for educational, social and cultural growth through suitable reading materials, toys, activities and equipment;

(iv) provision of opportunities for associations with peer groups and for experiences in school and community;

(v) cooperation with the placing agency and participating in case conferences;

(vi) cooperation with the placing agency in arranging for contact with child's own family when appropriate.

(b) Nutrition:

(i) The provider shall serve meals and snacks appropriate to the nutritional needs of the children and shall include the four basic food group requirements.

(ii) Special diets shall be provided for residents as ordered in writing by a physician. Such orders shall be kept on file at the facility.

(iii) Copies of menus as served shall be kept on file for one month and shall be available for inspection.

(iv) All food shall be transported, stored, covered, prepared and served in a sanitary manner.

(v) Use of home canned products, other than jams, jellies and fruits is prohibited unless the youth group home has been commercially approved.

(vi) Hands shall be washed with warm water and soap before handling of food.

(c) Education: Each provider shall assure that each child in its care is offered an educational program that is appropriate to the child's needs and in compliance with

compulsory school attendance laws.

(d) Religion: All children in the youth group home shall have the opportunity to voluntarily practice their respective religion. Children shall be permitted to attend religious services of their choice in the community and to receive visits from representatives of their respective faiths.

(e) Culture: The provider shall give encouragement and opportunity to each child to identify with his cultural heritage.

(f) Clothing:

(i) The provider shall provide each child with his own clothing suitable to the child's age and size and comparable to the clothing of other children in the community.

(ii) Children shall have some choice in the selection of their clothing.

(g) Personal hygiene: The provider shall train children in personal care, hygiene, and grooming and shall provide each child with the necessary supplies.

(h) Privacy and individualism: The provider shall allow the children to have privacy.

(i) The provider shall provide a separate bed, separate storage space for clothing and personal articles, and a place for the child to display his socially appropriate creative works and symbols of identity.

(ii) Each child shall be provided with access to a quiet area where he can be alone when appropriate.

(i) Money: Money earned by a child or received as a gift or allowance shall be his personal property and accounted for separately from group home funds.

(i) If the youth group home is partly supported by institutional production on a commercial basis, compliance with child labor laws and minimum wage laws must be assured.

(j) Training and employment: The provider shall assist in preparing children for economic independence.

(i) The provider shall assist children in obtaining the skills necessary for employment (i.e., completing applications, appearance, attitude toward employment, interviewing for jobs) and shall utilize community resources for vocational counseling and training.

(ii) The provider must distinguish between tasks which children are expected to perform as part of living together, jobs to earn spending money, and jobs performed for vocational training. Children in care shall not be used as employees of the facility without prior approval of the department.

(k) Recreation: The provider shall encourage the children to continue any socially appropriate activities, classes or participation in clubs or groups. The children shall be allowed to become voluntarily involved in community programs that meet his needs, interests and abilities.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663.)

Rules 03 through 05 reserved

37.97.506 YOUTH GROUP HOME: PHYSICAL CARE (1) Every youth group home shall have access to the services of at least one physician.

- (2) Medical, dental, psychiatric, psychological care and counseling services shall be obtained for children as needed.
- (3) If a child has not received a complete physical examination within 6 months prior to placement, the provider shall arrange for the child to have a complete physical examination within 30 days after admission to the facility and yearly thereafter.
- (4) If a child has not had a dental examination within a year prior to placement the provider shall arrange for the child to have one within 90 days after admission. All necessary dental work shall be done and reexamination shall be arranged for the child at least annually.
- (5) Provisions for treatment of diseases, remedial defects or deformities, and malnutrition shall be made by the provider immediately upon the physician's recommendation with notification to the placing agency.
- (6) All medication shall be kept in a place inaccessible to children, in their original containers, labeled with the original prescription label.
- (7) Discipline: Each youth group home shall have a written policy for the discipline of children in care. Copies shall be made available to all provider staff, referring parties, parents, and the children. This policy shall include the philosophy of discipline, methods of discipline permitted, and the purpose of discipline as it relates to the ongoing learning and development process.
- (a) Discipline must not be physically or emotionally damaging.
- (b) There must be no cruel, harsh, or unusual punishment.
- (c) Verbal abuse of a child is prohibited.
- (d) No child of any age can be shaken or hit.
- (e) Children must not be denied meals, mail or contacts with their families as punishment.
- (f) No disciplinary practices of any sort shall be employed which are humiliating or degrading to the child or which undermine the child's self-respect.
- (g) Medication shall never be used to discipline or threaten children.
- (h) An incident report shall be completed by any child care staff involved in an infraction of the discipline requirements. The incident report shall be placed in the child's file.
- (i) An investigation of the incident shall be conducted by the provider's board of directors, supervisors or placing agency. A complete report of the investigation shall be placed in the provider's records and shall be available for inspection by the licensing agent and referring party.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663.)

Rule 07 reserved

37.97.508 YOUTH GROUP HOME: ENVIRONMENTAL REQUIREMENTS

- (1) The youth group home shall provide an adequate and potable supply of water. The facility shall:
- (a) connect to a public water supply system approved by department of environmental quality; or
- (b) for youth group homes utilizing a nonpublic water system, the department hereby adopts and incorporates by reference the following circulars prepared by the department of environmental quality:

- (i) circular #11 for springs;
 - (ii) circular #12 for water wells;
 - (iii) circular #17 for cisterns.
- (A) These circulars set forth the relevant water quality standards for springs, water wells and cisterns. A copy of these circulars may be obtained from the Department of Environmental Quality, 1520 East Sixth Avenue, Helena, Montana.
- (c) If a non-public water supply is used, the facility shall submit a water sample at least quarterly to a laboratory licensed by the department of environmental quality in order to determine that the supply does not contain microbiological contaminants.
- (d) The water system shall be repaired or replaced when the supply:
- (i) contains unacceptable levels of microbiological contaminants; or
 - (ii) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water carried waste disposal.
- (2) To insure sewage is safely disposed of, the youth group home shall either:
- (a) connect to a public sewer approved by the department of environmental quality; or
 - (b) if a nonpublic system is utilized, the department hereby adopts and incorporates by reference bulletin 332, which sets forth standards for sewage disposal. A copy of bulletin 332 may be obtained from the Department of Environmental Quality, 1520 East Sixth Avenue, Helena, Montana.
- (c) The sewage system shall be repaired or replaced whenever:
- (i) it fails to accept sewage at the rate of application;
 - (ii) seepage of effluent from or ponding of effluent on or around the system occurs;
 - (iii) contamination of a potable water supply or state waters is traced to the system; or
 - (iv) a mechanical failure occurs.
- (3) Solid waste disposal: The youth group home shall:
- (a) store all solid waste in containers which have lids and are corrosion-resistant, flytight, watertight, and rodent-proof;
 - (b) clean all solid waste containers frequently;
 - (c) transport or utilize a private or municipal hauler to transport the solid waste at least weekly to a landfill site approved by the department of environmental quality in a covered vehicle or covered containers.
- (4) A youth group home shall comply with the following structural requirements:
- (a) All rooms and hallways shall have adequate lighting.
 - (b) Adequate space shall be provided for all phases of daily living, including recreation, privacy, group activities and visits from family, friends and community acquaintances.
 - (c) Children shall have indoor areas of at least 40 square feet of floor space per child for quiet, reading, study, relaxing, and recreation. Halls, kitchens, and any rooms not used by children shall not be included in the minimum space requirement.
 - (d) A sleeping room shall contain at least 50 square feet of floor space per person. Bedrooms for single occupancy must have at least 80 square feet.
- (5) Bathrooms shall be cleaned thoroughly with a germicidal cleaner at least weekly and more often if needed.
- (6) Other areas shall be cleaned on a regular basis.
- (7) There shall be hot and cold water available in the youth group home. Water temperature for hot water must be limited to 120° F or below.
- (8) There shall be a washing machine and dryer available.

(9) The youth group home shall be equipped with a telephone. Telephone numbers of the hospital, police department, fire department, ambulance, and poison control center shall be posted by each telephone. Telephone numbers of the parent(s) and placing agency shall be readily available.

(10) Youth group homes shall have reasonable access to schools, churches, job opportunities, shopping, health and recreational activities.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663.)

Rules 09 through 18 reserved

37.97.519 YOUTH GROUP HOME: FIRE SAFETY (1) The department hereby adopts and incorporates by reference group R division 3 of the uniform building code which sets forth the fire safety regulations which shall apply to youth group homes. A copy of group R division 3 of the uniform building code may be obtained from the Department of Commerce, Building Codes Division, 1218 East Sixth Avenue, Helena, Montana.

(2) Smoke detectors approved by a recognized testing laboratory shall be located at stairways and in any areas requiring separation as set forth in the uniform building codes.

(3) A fire extinguisher approved by a recognized testing laboratory with a minimum rating of 2A10BC shall be readily accessible to the kitchen area.

(4) The date and signature of the person checking both the batteries in the smoke detector and the fire extinguisher shall be recorded and filed at the youth group home.

(a) Smoke detector batteries shall be checked by the provider at least once each month and the batteries replaced at least once each year.

(b) Fire extinguishers shall be checked by the provider at least quarterly.

(5) The staff shall be trained in the proper use of the fire extinguisher and the training recorded in the files.

(6) Staff and residents shall be instructed upon arrival in the procedure for evacuation in case of fire. The procedure shall be posted in a conspicuous place in the youth group home.

(7) All exits shall be clear and unobstructed at all times.

(8) Paint, flammable liquids and other combustible material shall be kept in locked storage away from heat sources or in outbuildings not used by the children.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663.)

Rule 20 reserved

37.97.521 YOUTH GROUP HOME: TRANSPORTATION (1) Persons transporting the children shall possess a valid Montana motor vehicle operator's license.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663.)

37.97.522 YOUTH GROUP HOME: GUNS AND AMMUNITION

(1) Guns, including air rifles and/or ammunition shall not be kept in a youth group home.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663.)

Rule 23 reserved

37.97.524 YOUTH GROUP HOME: STAFF (1) Houseparents, substitute houseparents and other child care staff must meet the general requirements for child care staff set out in ARM 37.97.132.

(2) The provider shall establish minimum qualifications for staff and adopt a procedure for screening applicants.

(3) Staff shall attend meetings and training sessions in order to improve their knowledge, understanding and practice. Training shall include a minimum of four hours of orientation by the provider within the first week regarding the organization, program and emergency procedures.

(4) The resident to staff ratio on the premises shall not be more than 8:1 awake from 7 a.m. to 11 p.m. or 8:1 sleeping from 11 p.m. to 7 a.m.

(5) The resident to staff ratio on the premises shall be as follows:

(a) moderate level therapeutic youth group home providers must meet the minimum staffing requirements specified in ARM 37.37.108;

(b) campus based level therapeutic youth group home providers must meet the minimum staffing requirements specified in ARM 37.37.111; and

(c) intensive level therapeutic youth group home providers must meet the minimum staffing requirements specified in ARM 37.37.115.

(History: Sec. 41-3-503, 41-3-1103, 41-3-1142, 52-2-111, 52-2-603, 52-2-622, 53-4-111 and 53-4-212, MCA; IMP, Sec.41-3-503, 41-3-1103, 41-3-1142, 52-2-113, 52-2-603, 52-2-622,53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83;TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; AMD,1991 MAR p. 2262, Eff. 11/28/91; AMD, 1992 MAR p. 2728, ff.12/25/92; AMD, 1993 MAR p. 1506, Eff. 7/16/93; AMD, 1994 MAR p.2739, Eff. 10/14/94; AMD, 1997 MAR p. 1664, Eff. 9/23/97; RANS, from DFS, 1998 MAR p. 663; AMD, MAR p. 979, Eff. 5/9/03.)

Rule 25 reserved

37.97.526 YOUTH GROUP HOME: PLACEMENT AGREEMENTS (1) When a child is admitted to the group home, the provider shall enter into a written placement agreement with the placing agency.

(2) The placement agreement shall set forth the terms of the child's placement, the responsibilities of the provider, the placing agency and, when appropriate, the parents.

(3) No child from out-of-state shall be accepted into the youth group home without the approval of the interstate compact administrator pursuant to 41-4-101 through 41-4-109, MCA.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663.)

Rule 27 reserved

37.97.528 YOUTH GROUP HOME: CHILDREN'S CASE RECORDS (1) The provider shall maintain a written case record for each child which shall include administrative, treatment, and educational data from the time of admission until the time the child leaves the group home. A child's case record shall include the following:

- (a) the name, sex, birthdate and birthplace of the child;
 - (b) the name, address, and telephone number of the parent(s) or guardian of the child;
 - (c) date of admission and placing agency;
 - (d) when the child was not living with his parents prior to admission, the name, address, telephone number and relationship to the child of the person with whom the child was living;
 - (e) date of discharge, reason for discharge, and the name, telephone number and address of the person or agency to whom the child was discharged;
 - (f) all documents related to the referral of the child to the facility as provided by the placing agency;
 - (g) documentation of the current custody and legal guardianship as provided by the placing agency;
 - (h) the child's court status, if applicable;
 - (i) a copy of the child's birth certificate or a written statement of the child's birthdate including the source of this information;
 - (j) consent forms signed by the parents or guardian prior to placement allowing the group home to authorize all necessary medical care, routine tests, immunization and emergency medical or surgical treatment;
 - (k) cumulative health records including medical history and immunization records as provided by the placing agency;
 - (l) education records and reports;
 - (m) treatment or clinical records and reports;
 - (n) records of special or critical incidents;
 - (o) case plans and related material; and
 - (p) social summary current to date of placement.
- (2) The case record of each child receiving moderate, campus based or intensive level therapeutic youth group home services must contain the additional documentation set out in ARM 11.13.116.

(History: Sec. 41-3-503, 41-3-1103 and 53-4-111, MCA; IMP, Sec. 41-3-503, 41-3-1103, 53-2-201 and 53-4-113, MCA; NEW, 1983 MAR p. 742, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1653, Eff. 7/1/87; AMD, 1992 MAR p.2728, Eff. 12/25/92; AMD, 1993 MAR p. 1506, Eff. 7/16/93; AMD, 1994 MAR p. 2739, Eff. 10/14/94; TRANS, from DFS, 1998 MAR p.663.)

Subchapters 6 and 7 reserved